



## **AGENDA**

Pursuant to A.R.S. § 38-431.03(A)(3), the Commission may vote to go into Executive Session for the purpose of obtaining legal advice from its attorney on any matter listed on the agenda. Any such Executive Session will not be open to the public.

### **A. Call to Order of the 667<sup>th</sup> Regular Meeting of the Arizona Racing Commission of February 14, 2019, at 10:00 AM and Welcome for New Commissioner, Charles "Chuck" Coolidge.**

#### **Commissioners Present:**

**Chair Jay McClintock**  
**Vice Chair Rory Goreé**  
**Commissioner Thomas Lawless**  
**Commissioner Charles "Chuck" Coolidge**

#### **Also present:**

**Ted Vogt, Gaming Director**  
**Rudy Casillas, Racing Division Director**  
**Deanie Reh, Assistant Attorney General**  
**Greg Stiles, Racing Program Manager**  
**Kristian Fasching, Gaming General Counsel**  
**Cassie Goodwin, Commission Secretary**  
**Sheri Koss, ECU Supervisor/Hearing Supervisor**  
**Camila Alarcon, Esq., Commission Attorney (Item B.1. only)**

**At the start of the meeting, Chair McClintock announced Item B.1 was to be heard at the end of the meeting.**

### **B. Executive Session**

The following item is for Executive Session purposes only:

1. *Simms v. Simms, et al.*, Case No. 1 CA-CV 18-0546, and *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, regarding the Arizona Racing Commission's Order to Reject the Gaming Director's Ruling to Grant a Racing License to Ronald A. Simms, Case No. 14A-020-RAC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) or (4) in order to discuss with and instruct its attorneys on this matter.

***(This Item moved to the last Item on the Agenda)***

**Chair Goreé moved to go into Executive Session. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Open Session recessed at 11:52 AM**  
**Open Session reconvened at 12:03 PM.**

**Chair Goreé moved to instruct Ms. Alarcon to proceed as directed in Executive Session. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

### **C. Action Items**

1. Election of Racing Commission Officers for 2019

**Vice Chair Goreé moved to nominate himself as new Chair of the Arizona Racing Commission. Chair McClintock second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Chair Goreé moved to nominate Commissioner Lawless as the new Vice Chair of the Arizona Racing Commission. Commissioner McClintock second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

2. Pima County Fair Horse Racing Commission 2019 Date Change

**Greg Stiles addressed the Commission.**

**Vice Chair Lawless moved to approve the Pima County Fair Horse Racing Commission dates to February 16 and March 3, 2019. Chair Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

3. OTB Agreement Between Rillito Race Course and Arizona Downs

**Greg Stiles addressed the Commission.**

**Vice Chair Lawless moved to approve the Pima County Fair Horse Racing Commission dates as February 16 and March 3, 2019. Chair Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

4. Award of County Fair Grant Applications for FY 2019

**Greg Stiles addressed the Commission.**

**Jim Lewis addressed the Commission.**

**William Byrne addressed the Commission.**

**Representative David Cook addressed the Commission.**

- a. Santa Cruz County Fair & Rodeo Association

**Chair Goreé moved to approve an award of \$40,000 in County Fair Grant money to Santa Cruz County Fair & Rodeo Association. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

- b. Gila County Fair Racing Commission

**Chair Goreé moved to approve an award of \$20,000 in County Fair Grant money to Gila County Fair and Racing Commission and directed Racing staff to write a letter to request additional funding from the Legislature for an additional \$20,000. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

- c. Cochise County Fair Association

**Chair Goreé moved to approve an award of \$40,000 in County Fair Grant money to Cochise County Fair Association. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

- 2019 Amendment to OTB Agreement Between Rillito Park Race Course and TP Racing, L.L.L.P.

**Greg Stiles addressed the Commission.**

**Vice Chair Lawless moved to approve the 2019 Amendment to the OTB Agreement between Rillito Race Course and TP Racing, L.L.L.P. Chair Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

- 2019 Amendment to OTB Agreement Between TP Racing, L.L.L.P. and Rillito Park Race Course

**Greg Stiles addressed the Commission.**

**Chair Goreé moved to approve the 2019 Amendment to the OTB Agreement between TP Racing, L.L.L.P. and Rillito Race Course. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

#### **D. Discussion Items**

- Legislative Update (Aiden Fleming)

**Aiden Fleming, Legislative Liaison, addressed the Commission on the following: S1158, H2416, H2576, H2731, S1144, and S1232.**

- Arizona Downs' Proposed Rule 19-2-419(K) as it May Affect Monarch and Other Simulcast Companies in Arizona, Submission of Douglas McSwann's Opinion Letter and Agency Verbal Report

**Racing Director Casillas addressed the Commission.**

**David Auther, Arizona Downs, addressed the Commission.**

**Gaming Director Vogt addressed the Commission.**

**Gerald Alston, Esq., TP Racing, L.L.L.P., addressed the Commission.**

**Bob Hutton, HBPA, addressed the Commission.**

**Mike Bates, Bull Shooters OTB, addressed the Commission.**

**Chair Goreé directed the parties to provide written briefs, 20-page limit, on their position and submit them to the Racing Secretary within 15 days. The briefs will be forwarded to the Commission for review and then oral argument will be scheduled for a future meeting.**

**Chair Goreé moved to take a five-minute recess. Vice Chair Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Meeting Recessed at 11:13 AM**

**Meeting Reconvened at 11:22 AM**

#### **E. Information Reports**

- Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission. Jaye Wells, Rillito Park Foundation, addressed the Commission regarding Rillito's report. Vincent Francia, General Manager of Turf Paradise, addressed the Commission regarding Turf's report.**
- Budget Report (Director Casillas) – **Director Casillas addressed the Commission.**
- Permittee Reports – **Not to exceed 3 minutes**
  - American Greyhound Racing – **No report.**
  - Arizona Downs – **Ann McGovern, General Manager Arizona Downs, addressed the Commission**
  - County Fairs – **No report.**
    - Rillito Park – **Zach Taylor, Acting Assistant General Manager, addressed the Commission.**
    - Tucson Greyhound Park – **Alicia Heiserer addressed the Commission.**
    - Turf Paradise – **Vincent Francia, General Manager Turf Paradise, addressed the Commission.**
- Optional Industry Stakeholder Association Updates (limited to officers or officially designated spokesperson) – **Not to exceed 3 minutes**
  - Arizona Counties Racing Association – **No report.**
  - Arizona Greyhound Association – **No report.**
  - Arizona Quarter Horse Racing Association – **No report.**

- d. Arizona Thoroughbred Breeders Association – **No report.**
- e. Horsemen's Benevolent & Protective Association – **No report.**
- f. Jockey's Guild – **No report.**

## **F. Commission Reports**

1. Summary of Current Events Affecting the Arizona Racing Commission. A.R.S. § 38-431.02(K) – Only Commission Members or the Director may report. No discussion or action may be taken on matters reported unless properly noticed for legal action or discussion – **No report.**
2. Identification of Matters to be placed on future agendas

**Approval/update on letter to the Legislature regarding additional funds for the County Fair Grants.**

## **G. Call to the Public**

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately two minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

**Dan Fick addressed the Commission.**

**Commission addressed Item B.1 at this time.**

## **H. Announcements**

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, January 10, 2019**, at 1110 West Washington St., Building Conference Room 250, 2nd Floor, Phoenix, Arizona, and is subject to change based on a quorum. For current information about the Arizona Racing Commission meeting schedule, please visit the Arizona Department of Gaming-Racing Division website (<https://racing.az.gov/racing-commission/commission-calendar-schedule>) or call Cassie Goodwin at 602-771-4263.

**Commissioner McClintock advised the next tentatively scheduled meeting of the Arizona Racing Commission is scheduled for 10:00 AM on March 14, 2019.**

## **I. Adjournment**

**Vice Chair Lawless moved to adjourn this meeting. Chair Goreé second. Motion Carried. (Ayes: Coolidge, Goreé Lawless, McClintock.) Meeting adjourned at 12:06 PM.**